

★ FEB 11 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
OMO DEOKORO,

Petitioner,

-against-

HAROLD D. GRAHAM,

Respondent.
-----X

NOT FOR PUBLICATION
ORDER
16-CV-5487 (CBA) (LB)

AMON, United States District Judge:

The Court has received the Report and Recommendation ("R&R") of the Honorable Lois Bloom, United States Magistrate Judge, for the instant habeas action filed by Petitioner Omo Deokoro pursuant to 28 U.S.C. § 2254. In an R&R dated November 15, 2017, Magistrate Judge Bloom recommended that this Court deny the petition, the issuance of a certificate of appealability, and leave for Petitioner to file his appeal in forma pauperis. (D.E. # 14.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R "to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

After reviewing the record, the Court adopts Magistrate Judge Bloom's well-reasoned R&R. Accordingly, the Court DENIES the habeas petition. Because Petitioner has not made a substantial showing of the denial of any constitutional right, the Court declines to issue a certificate of appealability. See 28 U.S.C. § 2253: Lozada v. United States, 107 F.3d 1011, 1017 (2d Cir. 1997), abrogated on other grounds by United States v. Perez, 192 F.3d 255, 259–60 (2d Cir. 1997).

Pursuant to 28 U.S.C. § 1915(a)(3), this Court denies Petitioner leave to file an appeal in forma pauperis, certifying that any appeal from this Order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 443–45 (1962).

SO ORDERED.

Dated: February 11, 2019
Brooklyn, New York

s/Carol B. Amon

Carol Bagley Amon
United States District Judge